

**REMARKS**

Upon entry of this amendment, claims 1-12 and 21-32 are pending and under consideration. Claims 1 and 21 have been amended solely to clarify the claimed subject matter. The respective scopes of claims 1 and 21 remain unchanged.

By this Amendment, no new matter has been added.

**Rejections Under 35 U.S.C. § 102(e)**

Claims 1-5, 10, and 21-25 have been rejected as allegedly anticipated by U.S. Patent No. 5,879,909 (“Perl”). According to the Examiner, because claims 1 and 21 call for a peptide “represented” by one of two formulas, embodiments of the claimed peptide are not restricted solely to the components called for in the claim. The Examiner states that peptides that comprise a T helper cell epitope are encompassed by the scope of the claim. The Examiner concludes that the peptide called for in claim 6 of Perl anticipates the claimed invention because it can be “represented” by either of the two claimed formulas and comprises a T helper cell epitope (*see* Office Action, page 3).

In response, without conceding the validity of the Examiner’s rejection and in order to solely clarify the claimed subject matter, claims 1 and 21 have been amended to be directed to a chimeric peptide of formula (I) or formula (II). The amendment to claims 1 and 21 does not change the scope of the claims.

The Examiner’s assertion that Perl anticipates the instant claims is mistaken. A claim is anticipated only if each element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See* MPEP § 2131. Claims 1 and 21 call for chimeric peptides of formula (I) or formula (II) wherein... i) N is the first 2, 3, 4, or 5 amino acid residues from the free N-terminus of a naturally-occurring internal peptide cleavage product that is formed by proteolytic cleavage of a precursor protein or a mature protein; ii) C is the last 2, 3, 4,

or 5 amino acid residues from the free C-terminus of a naturally-occurring internal peptide cleavage product that is formed by proteolytic cleavage of a precursor protein or a mature protein; **iii**) T<sub>h</sub> is a T helper cell epitope; and **iv**) S is an optional spacer amino acid residue(s).

Perl does not disclose every element set forth in the present claims. Perl does not disclose chimeric peptides where N is the first 2, 3, 4, or 5 amino acid residues from the free N-terminus of a naturally-occurring internal peptide cleavage product that is formed by proteolytic cleavage of a precursor protein or a mature protein. Perl also does not disclose chimeric peptides where C is the last 2, 3, 4, or 5 amino acid residues from the free C-terminus of a naturally-occurring internal peptide cleavage product that is formed by proteolytic cleavage of a precursor protein or a mature protein. For at least these reasons, Perl does not anticipate the instant claims.

Additionally, claim 21 and the claims depending thereon are directed to chimeric peptides of formula (I) or formula (II) wherein N is the first 2, 3, or 4 amino acid residues from the free N-terminus of a naturally-occurring internal amyloid  $\beta$  peptide cleavage product that is formed by proteolytic cleavage of an amyloid precursor protein, and C is the last 2, 3, or 4 amino acid residues from the free C-terminus of a naturally-occurring internal amyloid  $\beta$  peptide cleavage product. Perl fails to include any disclosure of chimeric peptides comprising a naturally-occurring internal amyloid  $\beta$  peptide cleavage product. For this reason additionally, Perl does not anticipate claim 21 and the claims that depend thereon.

For at least the reasons set forth above, Perl does not anticipate the instant claims. Reconsideration and withdrawal of the rejection under section 102 is respectfully requested.

### **Claim Objections**

Claims 6-9, 11, 12, and 26-32 have been objected to as depending from rejected base claims (*see* Office Action, page 3).

For the reasons set forth above, claims 1 and 21 are not anticipated by Perl. Therefore, the objection should be withdrawn.

**CONCLUSION**

This application is believed to be in condition for allowance, which is earnestly solicited.

If the Examiner believes there are additional issues that may be addressed by an interview or an Examiner's Amendment, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

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Respectfully submitted,

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